

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-CR-00039-RJC

USA

v.

ENCARNACION CHAVEZ-
MONTEMAYOR

ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines involving status points. (Doc. No. 59: Motion at 3).

Part A of the Amendment is retroactive and amended USSG §4A1.1 to limit the impact of status points on criminal history category. USSG §1B1.10(d), comment. (n.7). Here, the Court determined the defendant had three criminal history points, none of which were status points. (Doc. No. 45: Plea Agreement at 3; Doc. No. 52: Presentence Report ¶¶ 35-36). The Amendment does not lower his criminal history points. Accordingly, he is not eligible for relief. USSG §1B1.10(a)(2)(B).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: August 14, 2024



Robert J. Conrad, Jr.
United States District Judge

